

Remarks

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1-18 have been previously canceled without prejudice or disclaimer. Claims 19 and 20 have been amended, and new claim 21 has been added. Claims 19-21 are pending.

New claim 21 is supported by the original disclosure, for example page 16, lines 7-8.

I. Telephone Interview

Applicant would like to thank the Examiner for the telephone interview conducted on May 10, 2004 with Applicant's representative, James A. Larson. During the interview, the 35 USC 101 and 35 USC 112 rejections were discussed, as were ways to overcome these rejections. The prior art rejections under 35 USC 103(a) were also discussed, as was an amendment to the claims reciting that the trailer portion has wheels that are not driven. No agreement was reached concerning the allowability of any claims.

II. 35 USC 101 rejection

Claims 19-20 are rejected under 35 USC 101 because the claimed invention is said to lack patentable utility. Applicant respectfully traverses.

The claimed invention is directed toward a trailer portion that is removably attachable to a toy vehicle having vehicle wheels for use in driving the vehicle wheels of the toy vehicle. As disclosed, the trailer portion, and the motor mounted on the bed thereof, can be attached to the toy vehicle and used to drive the wheels of the toy vehicle. As a result, the claimed invention clearly has utility.

Withdrawal of the rejection is requested.

III. 35 USC 112, second paragraph rejection

In the office action, claims 19 and 20 are rejected under 35 USC 112, second paragraph, as being incomplete for omitting essential elements. The omitted elements as said to be those which connected the gears to the wheels so as to enable driving of the vehicle. Applicant respectfully traverses.

As indicated above, the claims are directed to a trailer portion that is removably attachable to a toy vehicle having vehicle wheels for use in driving the vehicle wheels of the toy

vehicle. The drive mechanism on the toy vehicle that is used to drive the toy vehicle wheels is not part of the claimed invention. As the invention is to the trailer portion, recitation of features on the toy vehicle portion is not essential.

Withdrawal of the rejection under 35 USC 112, second paragraph, is requested.

IV. 35 USC 103(a) rejections

Claim 19 is rejected under 35 USC 103(a) as being unpatentable over US Patent 3,594,951 to Perhacs in view of US Patent 4,698,044 to Kennedy et al. (Kennedy).

In addition, claim 20 is rejected under 35 USC 103(a) as being unpatentable over Perhacs, Kennedy and US Patent 5,372,534 to Levy et al. (Levy).

Applicant respectfully traverses these rejections.

A. Claim 19

Claim 19, as amended, is patentable over Perhacs and Kennedy. Perhacs and Kennedy do not teach or suggest a trailer portion as claimed that includes at least two trailer wheels connected to the bed that rollingly support the bed on the ground, wherein the trailer wheels are not operatively connected to a drive mechanism so that the trailer wheels are not driven. An advantage of such a construction is that a drive mechanism between the motor and the trailer wheels is not required, so that the configuration and construction of the claimed trailer portion is simple and inexpensive.

Perhacs discloses a trailer means 14 having front wheels 80 and rear wheels 82 (column 3, lines 6-7). The trailer means 14 is movable between a position in which it is separate from a tractor means 12, and a position in which it is disposed on the tractor means 12 (column 3, lines 9-15). The front wheels 80 of the trailer means 14 are driven by a drive mechanism (column 4, lines 10-19).

Perhacs does not teach or suggest a trailer portion having wheels that are not operatively connected to a drive mechanism so that the trailer wheels are not driven. Perhacs requires driven trailer wheels as the trailer means 14 in Perhacs is intended to be operated as a drive vehicle separate from the tractor means 12.

Kennedy discloses a tractor section 10 having a motor 27, gears 30, 31 and shaft 32 that are used to drive the wheels 14, 15 of the toy vehicle (column 3, lines 62-67). The shaft 32 is

connected with a trailer section 11 via a universal joint 24 so that rotation of the shaft 32 is transferred to the trailer 11. The trailer wheels 17 are driven by the shaft 36 and the gears 42, 43 (column 4, lines 3-8).

Kennedy does not teach or suggest a trailer portion having wheels that are not operatively connected to a drive mechanism so that the trailer wheels are not driven. Instead, in Kennedy, the trailer wheels, as well as the tractor wheels, are driven.

As a result, claim 19 is patentable over Perhacs and Kennedy. Withdrawal of the rejection is requested.

B. Claim 20

Claim 20 depends from claim 19 and is patentable for that reason alone and need not be separately distinguished. By not separately addressing claim 20 in detail, Applicant does not concede the propriety of the rejection thereto, or to any characterizations of the prior art or comments on the claim features made in the rejection.

V. Conclusion

With these amendments Applicant believes that the claims now pending in this patent application are in immediate condition for allowance. Favorable consideration is respectfully requested. If any further questions arise, the Examiner is invited to contact Applicant's representative at the number listed below.



Respectfully submitted,

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